

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE *EX PARTE* APPLICATION OF
ABDULRAHMAN MUTABAGANI TO TAKE
DISCOVERY PURSUANT TO 28 U.S.C. § 1782

Case No. 22-MC-299

11-10-22

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~~PROPOSED~~ ORDER GRANTING ABDULRAHMAN MUTABAGANI'S
EX PARTE APPLICATION FOR AN ORDER TO TAKE DISCOVERY
PURSUANT TO 28 U.S.C. § 1782 FROM MUHAMMAD SAMER BIN MAHMOUD
ABDUL-HADI AND J.P. MORGAN CHASE BANK, N.A.

This cause came before the Court upon the *Ex Parte* Application for an Order Pursuant to 28 U.S.C. § 1782 to Permit Abdulrahman Mutabagani ("Applicant") to Take Discovery From Muhammad Samer Bin Mahmoud Abdul-Hadi ("Respondent") and J. P. Morgan Chase Bank, N.A. ("J.P. Morgan") (collectively, "Respondents") (the "Application"). The Court, having considered the Application, the supporting Memorandum of Law, Declarations, and exhibits attached thereto, and otherwise being fully advised in the premises, finds that the Application is due to be granted. The Court further finds as follows:

- (i) The Applicant has met the statutory requirements for granting the requested judicial assistance under 28 U.S.C. § 1782;
- (ii) Respondents reside in or are found in the Southern District of New York;
- (iii) The discovery sought from Respondents is for use in the contemplated proceeding to be initiated in Saudi Arabia (the "Saudi Arabian Action");
- (iv) Applicant is an interested person in the Saudi Arabian Action within the meaning of 28 U.S.C. § 1782;

(v) The discretionary factors, as described by the United States Supreme Court in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004), weigh in favor of granting the requested assistance.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Application is **GRANTED**.

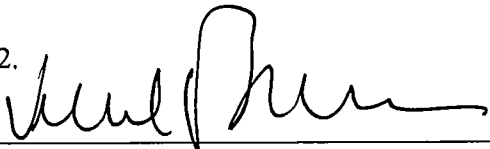
2. Any discovery taken pursuant to this Order, including related motion practice, shall be governed by the Federal Rules of Civil Procedure.

3. Applicant is authorized to issue and serve subpoenas on Respondents in substantially similar form to those attached as exhibits to the Declaration of Michael Sanfilippo. Applicant is further authorized to issue additional follow up subpoenas on the Respondents as may be necessary to obtain the documentary and testimonial evidence for use in the Saudi Arabian Action.

JB ~~4. Respondents are further ordered to preserve all relevant and potentially relevant evidence in their possession, custody, or control until further order of the Court.~~

JB 5. Nothing in this Order shall be construed to prevent or otherwise foreclose Applicant from seeking modification of this Order or leave of Court to ^{serve}~~serve~~ subpoenas on any additional persons or entities.

It is so ordered, this 10th day of November 2022.


UNITED STATES DISTRICT COURT JUDGE

→ Clerk is instructed to terminate the motion. (Doc. #9)